



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baucum

Serial No.: 10/634,256

Filing Date: August 5, 2003

For: Alternative Alternating Current Power Supply

Examiner: Wallis

Group A.U.: 2835

Mail Stop – Amendment

Commissioner for Patents

P. O. Box 1450

Alexandria, Virginia 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

In the Office Action dated March 15, 2006, a number of objections and rejections were raised. Each of these objections and rejections will be addressed in the same order as provided in the Office Action. The applicant appreciates the Examining Attorney issuing another non-final Office Action so that issues with the new references can be flushed out.

**Election/Restrictions**

The Examining Attorney correctly identified that Group II with claims 9-15 are the elected group. Since it does not appear that there is a generic claim in Group II which the applicant can use to get back to claims 1-8, the enclosed amendment cancels claims 1-8. Should the applicant decide to do so, a divisional style application may be later pursued for such potential protection in a subsequent filing.

**Response to Argument**

The applicant appreciates the Examiner indicating that the arguments filed on December 23, 2005 regarding the rejection of claims 9-15 were persuasive.

## Drawings

The applicant appreciates the Examining Attorney indicating that the drawings submitted on December 23, 2005 are formal enough to be in compliance with 37 CFR 1.121(d) and withdrawing the objection to the drawings.

## Claim Rejections

Claims 9-11 and 13 were rejected as being anticipated by the newly discovered reference Skoglund, U.S. Patent No. 5,268,850. Skoglund shows and describes an automatic power-failure and auxiliary generator control system. This system is described in the abstract as an emergency control which links an auxiliary generator having an autostart mechanism and an outlet socket. It works with a utilities powered distribution socket “to provide electrical power at a control socket into which the plug of a powered apparatus could be inserted *instead of into the utility socket*” (See ‘850 Patent Abstract (emphasis added)).

What Skoglund appears to provide is an emergency control system that has an emergency control **20** housed within a housing **21**. This system is connected to a plug **40** which is received by an auxiliary electrical generator **16**, specifically at the generator’s socket **18**. From the emergency control **20** are directed two runs **35a** and **35b** which proceed to junction boxes **34a** and **34b** which have controlled power sockets **32** disposed thereon. Controlled powered sockets are not believed by the applicant to be part of the utility powered distribution system as described by the owner of the ‘850 Patent (See Abstract of ‘850 Patent, lines 11-12 and Col. 3, line 67-Col. 4, line2). Runs **37a** and **37b** continue to plugs **38a** and **38b** before connecting into sockets **10** which are connected to the electrical distribution system of a “house” or other structure. (Col. 2, line 52).

There are no details given in the Skoglund reference of any structure closer to a breaker box than the grounded conductors 11 shown in the drawings which would be a part of an electrical distribution system as claimed. Basically, what is shown and described in Skoglund is an emergency control which determines whether power to a controlled socket 32 (which is not believed by the applicant to be part of an electrical distribution system of a house or vehicle) is powered either by the electrical distribution system of the house, such as by plugging in plug 38a and the switch 22 being in a first position, or whether the controlled socket 32 is powered by the auxiliary generator 16 with the switch 22 in a second position. The emergency controller 20 makes the determination as to which of the respective power supplies (i.e., the normal electrical distribution system or the auxiliary power supply 16) provides power. In no instance does the generator 16 provide power through either of plugs 38a or 38b (or rather the outlets to which receive these plugs) which is what the claimed method requires if utilizing the Skoglund reference as clarified by the amendment to claim 9.

In examining claims as they currently stand, claim 9 requires opening at least one breaker in an electrical distribution system of a vehicle or a in a building, with the electrical distribution system normally powered by an alternating current power source. As observed above, the corresponding structure in Skoglund for a portion of an electrical distribution system is the outlet 12, conductors 11, but not the controlled sockets 34a and 34b which are believed to be a separate (that is, separate from the integral building electrical system) electrical system.

Claim 9 continues, a first male plug is then plugged into a first outlet electrical distribution system downstream of at least one open breaker and the second male plug of the temporary power connector is connected into an alternative power source which provides alternating current to selected portions of the electrical distribution system downstream of the at

least one breaker through the second outlet. The applicant and the Examiner apparently disagree at least partially over what comprises an electrical distribution system. In an effort to distinguish the interpretation taken by the Examiner, the applicant is added the word “integral” in claim 9. Junction box **34a** and **34b** are not believed to be integral as it relates to the electrical distribution system which includes the outlets **12** and the normal power supply provided through conductors **11**.

Additionally, not only is the alternative power provided through the second outlet in claim 9, but as affected by the amendment, is also provided through the first outlet which cannot happen with the Skoglund reference. The switch **22** in Skoglund can only be in one of two positions: it can be in a first position to provide power to outlets **32** from a normal power supply through what is apparently being called first outlet **10** or it can be in a second position with power provided to the outlets **32** from second outlet **18**. Power in Skoglund cannot be provided from auxiliary generator **17**, through outlet **18** and also through outlet **10** into conductors **11** (as a portion of the power distribution system). Accordingly, as affected by the enclosed amendment, claim 9 is distinguishable from the Skoglund reference as at least one element of the claimed method is not taught or supplied and the Skoglund structure cannot be made to operate in accordance with the claimed method.

Additionally, nowhere in Skoglund is any breaker open in the electrical distribution system. The switch **22** is not an electrical breaker. It is a computer controlled pair of SPDT (single pole double throw) solenoid operated relays which have been cleverly configured to identify a source of power and provide the source of power to a controlled outlet. It is not an electrical breaker as one skilled in the art would understand.

Accordingly, as affected by the enclosed amendment, claims 9 and its dependent claims have been clarified by the amendment to claim 9 and are not anticipated by Skoglund since there is no teaching or suggestion in Skoglund to suggest a claimed method. Furthermore, the Skoglund structure as shown cannot be made to operate in the claimed manner as affected by the enclosed amendment, no matter how an electrical distribution system is interpreted. Accordingly, claims 9-12 are believed to be allowable.

**Obviousness Rejection under 35 USC § 103**

Claim 12 is rejected as being obvious over Skoglund. For this response claim 12 can stand or fall with claim 9.

Claim 14 was rejected as being unpatentable over Skoglund in view of Austin, U.S. Patent No. 4,131,805. Austin shows that a wall outlet can be 240 volts. However, if a 240 volt system wall outlet were to replace socket 10 in the Skoglund reference, it is unclear how it would operate with 240 volts being provided to one side of the switch 22 relay and 120 volts to the other from outlet 18. A problem switching from 240 to 120 would likely adversely affect appliance 15. The appliance 15 would either be provided with too much voltage or not enough. Accordingly, this is not believed to be a proper *prima facie* case of obviousness. Claim 14 is believed to be allowable on this separate basis as well, although it is primarily believed to be allowable on the basis provided above as it relates to claim 9 from which claim 14 depends.

Claim 15 was rejected as being unpatentable over Skoglund in view of Weiner, U.S. Patent No. 6,476,519. It is unclear why a teaching of load shedding in Weiner would need to be combined with Skoglund since one skilled in the art would be motivated to only provide enough controlled sockets 32 that could be handled with the auxiliary power supply 17. Furthermore, if shedding loads is necessary for the Skoglund system to operate, it would appear that power

would at least temporarily be lost at the sockets 32 (due to a fuse or breaker trip in the auxiliary power supply 17), thereby rendering the purpose of the Skoglund reference unfulfilled.

Furthermore, there is no teaching as to separate breakers (or any breakers) for any loads from sockets 32 that the applicant has located in the Skoglund reference.

### **New Claims Added**

New claims 21 and 22 have been provided with the enclosed amendment.

Claim 21 requires the use of two cords. An embodiment meeting these limitations is described in paragraph 36 of the specification as originally provided. Another embodiment is described in paragraph 37 as originally provided which meets the limitations of new claim 22. Both of these new claims depend directly or indirectly from claim 9. Thus, these dependent claims are also believed to be allowable.

### **Conclusion**

As affected by the enclosed Amendment, claims 9-15 and 21-22 are currently pending with the remainder of the claims cancelled. Furthermore, as affected by the enclosed amendment and the discussion above, claims 9-15 and 21-22 are believed to be allowable and such action is respectfully requested.

Respectfully submitted,

Date: \_\_\_\_\_, 2006

By: \_\_\_\_\_

Stephen J. Stark  
Attorney for Applicant  
MILLER & MARTIN LLP  
Suite 1000 Volunteer Building  
832 Georgia Avenue  
Chattanooga, Tennessee 37402  
(423) 756.6600

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Fee - Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

By: \_\_\_\_\_  
Beverly L. Middleton